



Practitioner's Docket No. 3782.002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ned E. Mott et al.

Application No.: 10/826,581

Group No.: 3654

Filed: 04/16/2004

Examiner: W. E. DONDERO

For: CABLE WINCH SYSTEM

**RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP**

**Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

G with sufficient postage as first class mail.

37 C.F.R. § 1.10*

X as "Express Mail Post Office to Addressee"

Mailing Label No. EQ 050228436 US (mandatory)

TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.


Signature

Dennis G. LaPointe

Date: 6/26/06

(type or print name of person certifying)

** Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

STATUS

2. Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)		SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA		ADDIT. FEE
TOTAL	5	MINUS	20	= 0	x \$	25.00 = \$ 0.00
INDEP	1	MINUS	3	= 0	x \$	100.00 = \$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+ \$	0.00 = \$ 0.00
TOTAL ADDIT. FEE						\$ 0.00

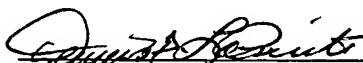
No additional fee for claims is required.

FEE DEFICIENCY

5. If any additional extension and/or fee is required, charge Account No. 503368.

Date: 6/26/06

Reg. No.: 40,693
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Signature of Practitioner
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CUSTOMER NO.: 24040



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ned E. Mott et al.)	
)	
S.N.: 10/826,581)	Examiner: William E. Dondero
)	
Filed: 16 April 2004)	Art Unit: 3654
)	
Confirmation No: 1756)	
)	
For: CABLE WINCH SYSTEM)	
)	

Certificate of Express Mail Under 37 C.F.R. 1.10

"Express Mail" mailing label number: EQ 050228436 US
Date of Deposit: June 26, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dennis G. LaPointe

RESPONSE AFTER FINAL OFFICE ACTION
AND
REQUEST FOR TELEPHONIC INTERVIEW

M/S: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the (**FINAL**) Examiner's Action mailed May 5, 2006, having a shortened statutory period for response which expires on August 5, 2006, the above-identified patent application is amended as follows:

AMENDMENT B
(37 C.F.R. 1.116)

IN THE CLAIMS:

Please amend claims 1 and 5 in accordance with 37 C.F.R. 1.121.

Please cancel claims 2-4 without prejudice.

The claims are attached herein on separate sheets.

REQUEST FOR TELEPHONIC INTERVIEW

APPLICANT HEREIN AGAIN REQUESTS A TELEPHONIC INTERVIEW AT A MUTUALLY AGREED UPON DATE AND TIME. APPLICANT RESPECTFULLY REQUESTS THAT THE EXAMINER AND THE SUPERVISORY PATENT EXAMINER BE PRESENT FOR THIS INTERVIEW.

Applicant was surprised that the office action mailed May 5, 2006 was deemed a FINAL office action, especially where the examiner called the undersigned and admitted that he was “way off” and “not even close” in the first search that resulted in the nonfinal office action mailed November 8, 2006. Effectively, an improper search was conducted to the fundamentally unfair detriment to applicant in the form of having now to deal with a final office action. The office action mailed May 5, 2006 should have been considered a nonfinal office action.

The examiner told the undersigned that he felt he NOW understood the invention and that a telephone interview was not necessary as the application looked “good to go.”

Assuming applicant was not going to receive an allowance, we were astounded to find that a FINAL office action was mailed without the benefit of an interview. It is now clear again that the examiner still does not fully appreciate the invention and the difference between the invention and the prior art now being cited by the examiner. Therefore, a telephone interview is deemed essential by applicant.

SEE ATTACHED PTO FORM.